IN THE HIGH COURT OF JUDICATURE AT PATNA
C.R. No.2110 of 2006
RAJ KUMARI DEVI
Versus
STATE OF BIHAR & ORS
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3. 30.9.2008 **I.A.No. 5944 of 2006**

For the reasons mentioned in this application, the delay in filing of this civil revision application is condoned.

Heard the counsel for the parties.

Counsel for the petitioner would submit that the present suit is barred by the principles of resjudicata and in this context he would refer to the decree of the trial court in T.S.No. 73/1968, as also the plaint of T.S.No. 75/1992.

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In the opinion of this Court only these two documents were sufficient to decide the question of resjudicata. That being so, the approach of the court below in shirking to decide this issue by keeping 1992 suit pending for 16 years and yet not deciding the matter would amount to a clear jurisdictional error.

That being so, this Court would set aside the impugned order and direct the court below to decide the question of resjudicata as raised by the petitioner

before going into any other issue.

Accordingly, this civil revision application is allowed.

(Mihir Kumar Jha,J.)

Surendra/

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